

**Date: 28<sup>th</sup> September 2017**

**Classification: For General Release**

**Title: Planning Applications Reported to Committee – Trends and Issues**

**Report of: John Walker - Director of Planning (GPH)**

**Financial Summary: N/A**

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## **1. Executive Summary**

1.1 Following the restructuring of the Planning Applications Sub-Committees in February 2017, this note presents a summary of the applications considered by these committees between 1 February and 29 August 2017. It also addresses an issue raised by Cllr Burbridge regarding restaurants and takeaways.

## **2. Recommendation**

2.1 Members are asked to note the contents of this report.

## **3. Background**

3.1 Since the changes to the committee structures in February 2017 a total of 239 applications have been reported to committee for determination. The distribution of cases has been as follows:

Committee and Chairman	Number of meetings between 1/2/17 and 29/8/17	Total number of applications on agendas	Average number of applications per Sub-Committee meeting	Total number of items deferred	Total number of officer recommendations overturned.
1 (Beddoe)	8	74	9.25	4	2
2 (Caplan)	9	60	6.66	1	0
3 (Smith)	7	60	8.5	2	2
4 (Harvey)	6	45	7.5	9 (7 sites)	2
Total	30	239	-	16	6

## **Type of applications considered**

3.2 In terms of Sub-Committee 1, the majority of schemes considered are those of greater significance or larger scale reflecting the status of Cllr Beddoe as the Chairman of Planning. In his role it has often been the case that there have been prior meetings on these sites and therefore the schemes have subsequently been reported to his Sub-Committee. Recently the Chairman of Planning has asked officers to ensure a better balance of major schemes are reported across all four committees rather than taking the default position of reporting cases to committee No 1 merely because applicants have presented their schemes to Cllr Beddoe. Officers have started to address this issue and are aiming to have a more 'even spread' of applications across the Sub-Committees. To date, the items considered by Sub-Committees 2, 3 and 4 are a fairly even distribution of householder/commercial schemes as well as some more significant sites.

## **Items Deferred**

### **Sub-Committee 1**

3.3 One application was deferred for a Members' site visit (William Court, Hall Rd) and was subsequently refused (against officer recommendation) on 7<sup>th</sup> March. One item (157 Edgware Rd) was deferred for a revised transport/servicing report then subsequently refused (against officer recommendation) on 8th August. Of the other two items, the Helical Bar scheme on Drury Lane was deferred to allow re-consultation on some revisions received before the Committee subsequently refused consent on 11 July on design grounds (bulk/height). The scheme at 19-25 Baker Street was deferred to allow the applicant to reconsider the height of the Baker St building, reconsider the servicing arrangements and reconsider the distribution of A1/A3 units within the scheme. This has yet to be reported back.

### **Sub Committee 2**

3.4 The deferral was in relation to further details on a management plan for a take away at 54 Queensway. It was subsequently granted in line with the original recommendation on 29th August.

### **Sub-Committee 3**

3.5 Two items were deferred. 22 Eaton Place was deferred for an officer site visit and further assessment of the amenity issues. It was subsequently refused on amenity grounds on 22th August (contrary to officer recommendation). The other deferral (Carlton Court, Maida Vale) was to correct some inaccurate drawings; the item has not yet been reported back.

### **Sub-Committee 4**

3.6 Of the seven sites where applications were deferred by Sub-Committee 4, two of these sites (77 Westmoreland Terrace and St James's Square) were each deferred twice. 77 Westmoreland Terrace was granted on 20th June in line with the original recommendation. The other has yet to go back to Sub-Committee.

3.7 One other deferral was for a members' site visit (1 Eaton Terrace), after which the application was granted in line with officer recommendation. Another (79 New Cavendish St) was deferred for further information and analysis relating to parking/servicing and was subsequently granted in line with officer recommendation. The remaining 3 sites have yet to go back to Sub-Committee.

### **Items where officer recommendation was overturned**

3.8 All of these were originally recommended for approval and Sub-Committee resolved to refuse.

3.9 Of the six decisions where the recommendation has been overturned, three were following a deferral and receipt of further information or a members' site visit. Two of the decisions followed objections from other Councillors. Four of the six decisions that were overturned cited amenity (enclosure or loss of daylight) as the reason for refusal.

### **Refusals**

3.10 Over the review period 24 items had an officer recommendation to refuse; four were withdrawn by the applicants before a decision could be made at committee; the remaining 20 were all refused in line with the recommendation.

Reason for refusal	Officer recommended	Overtaken recommendation	Following views sought by committee
Design	6	1	1
Design and amenity	3		
Amenity	2	4	
Land use	2		
Land use and amenity	3		
Design and highways	3		1
Amenity and highways	1		
Highways		1	

### **Restaurants and Take-aways**

3.11 There is no universal definition for when a restaurant becomes a take away. Unless there are planning conditions restricting any take away operations, restaurants can offer some degree of take away sales without becoming an A5 take away use. This is generally because the take away sales are a minor part of the overall operation, and can be considered ancillary to the primary A3 restaurant function of the premises. Each case has to be judged on its individual merits. There are numerous factors which can dictate to what degree the take away is potentially

becoming a more significant part of the restaurant's operation, causing the premises to become a 'mixed use' (A3/A5) or primarily take away (A5) operation.

3.12 Officers are mindful of the recent surge in 'deliveroo' type operations and the consequent impact on highway congestion and residential amenity. As such, on new applications for restaurants we generally attach conditions restricting the operation to restaurants only with no take away service, which for the avoidance of doubt includes pick-ups from moped/bicycle delivery companies. Whilst this can help control new uses, we are often unable to control existing restaurants providing some element of take away, unless it is judged that the take away element has become so significant that it is no longer ancillary to the restaurant, thereby requiring planning permission.

3.13 Following a complaint regarding deliveries at Nandos 63 Westbourne Grove the Planning Enforcement issued an enforcement notice. The time period for any appeal against the notice has passed and the owners have confirmed they intend to comply and Deliveroo will stop using the restaurant to collect deliveries within the compliance period of our enforcement notice)

3.14 Officers will continue to monitor Nandos to ensure that any hot food takeaway sales remain ancillary to the restaurant use. The enforcement investigation will not be closed until we are satisfied that there is no breach.

#### **4. Financial Implications**

4.1 None

#### **5. Legal Implications**

5.1 None

#### **6. Conclusion**

6.1 The new planning committee structure has worked effectively and the decision making appears to be consistent across all four chairs with no obvious differences in approach. It is inevitable more major cases will be reported when the Planning Chairman sits at committee but there is recognition there should be a wider spread of complex cases across the other three committees.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact: Louise Francis on x2488**